

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

V.

CHRISTIAN P. FIROZ,

Defendant.

4:04CR3008

ORDER

For the purposes of clarity,

IT IS ORDERED that:

1. The government's objection to the appearance of counsel (filing 103) has been denied. (*See* minutes, filing 108.) The Clerk's office shall terminate filing 103 as a motion.

2. Based upon the defendant's submissions, and realizing that the government has not submitted a brief, the undersigned is tentatively of the opinion that the court lacks jurisdiction to consider allegations 4, 5 and 6 of the amended petition because they are new allegations and no petition, summons or warrant regarding those allegations was filed or issued before defendant's probation would have otherwise expired. *See* 18 U.S.C. § 3565(c). However, the court is tentatively of the opinion that it has jurisdiction to consider allegation 3 of the amended petition. Allegation 3 of the amended petition appears only to flesh out allegation 1 of the original petition by adding the year 2005 to the government's claim that the defendant submitted false monthly reports regarding his income in 2006. (*Compare* filing 94 ¶ 1 *with* filing 106 ¶ 3.) In any event, the parties should be prepared to address the defendant's motion to dismiss (filing 109) at the evidentiary hearing scheduled for May 4, 2007. The court will take up that motion first.

April 27, 2007.

BY THE COURT:
S/ Richard G. Kopf
 United States District Judge